UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JOHN SONES, on behalf of himself, and on behalf of all persons similarly situated,

Plaintiff,

vs.

WORLD MORTGAGE COMPANY; and DOES 1 to 10,

Defendants.

Case No. 08cv0756 BEN (JMA)

ORDER GRANTING IN PART JOINT MOTION TO STAY PROCEEDINGS PENDING MEDIATION

Plaintiff John Sones has commenced this putative class action against Defendants World Mortgage Company and Does 1 to 10. Dkt. No. 8 (June 16, 2008). After receiving two extensions of time to answer or otherwise respond to Sones' pleadings, World Mortgage joins Sones in a motion to stay the proceedings pending private mediation. Dkt. No. 13 (July 30, 2008). For the reasons set forth below, this joint motion is granted in part.

The parties fail to establish a sufficient basis to justify a stay pending the result of their anticipated mediation. While this joint motion was pending, the parties informed Magistrate Judge Adler that their mediation would begin on October 7, 2008. To monitor the status of the mediation, Magistrate Judge Adler set a case management conference for October 17, 2008. Dkt. No. 15 (Aug. 18, 2008). Aside from the start date, however, the parties have provided the Court with no information about the schedule of their mediation. Nor have they informed the Court of their likelihood of success in resolving this case through mediation. The Court therefore lacks a factual basis to determine when the mediation will end. Moreover, a stay as fashioned in the parties' joint motion may frustrate the policy favoring speedy determination of all cases. FED. R. CIV. P. 1. Accordingly, to the extent that the parties seek an open-ended stay pending mediation, their joint motion is denied. *See United Steelworkers of Am. v. Retirement Income Plan for Hourly-Rated Employees of ASARCO, Inc.*, 512 F.3d 555, 563 (9th Cir. 2008) (district courts enjoy broad discretion in deciding motions to stay).

However, because resolving this case through mediation serves judicial economy, a short stay of the proceedings pending mediation is warranted. The parties' joint motion is therefore granted in part. This case is stayed through October 17, 2008 or another date set by Magistrate Judge Adler for the case management conference. In any event, the stay shall expire no later than November 15, 2008.

IT IS SO ORDERED.

Dated: September 2, 2008

Roger T. Benitez
United States District Judge